

SOME INCONTROVERTIBLE STATEMENTS

The Truth About Bursum Authoritative Statement By Frederick H. Pierce Is Complete Refutation of Hagerman's Sensational Attack On Hon. Holm C. Bursum.

No man in this community stands higher as a citizen and business man than Frederick H. Pierce. Enjoying the absolute confidence of all who know him in his private life, as a man of unquestioned integrity, he has for many years been well known as one of our most energetic and public spirited citizens, frequently identified with movements looking to the upbuilding of Las Vegas and its vicinity. He is not a politician, having devoted his life to a quiet business career, giving his best attention to whatever was entrusted to him. His veracity and trustworthiness are beyond question among his fellow citizens.

It so happens that Mr. Pierce was a member of the board of penitentiary commissioners, and its chairman, during H. O. Bursum's incumbency as superintendent, and has intimate personal knowledge of the facts upon which ex-Governor Hagerman's charges are based. In a recent interview with a representative of the Optic, it was suggested to Mr. Pierce that his version of these matters would be greatly welcomed by all fair-minded people, who wish to know the real facts, in order that they may give justice where justice is due. This he readily consented to give, and the result is the following signed statement, which speaks for itself, and is worth more to the citizen desiring to know the truth than any amount of platform oratory.

Las Vegas, Oct. 21, 1911.

To the Editor of the Optic:

I was a member and chairman of the board of penitentiary commissioners during the time that Mr. Bursum was the superintendent. The board held regular meetings once in two months, and sometimes every thirty days. Full and frequent reports were made to us at these meetings by Mr. Bursum. The superintendent was appointed by the governor, not by us, but it was our duty to exercise general supervision over the management and affairs of the penitentiary. This we endeavored to do to the best of our ability.

After Mr. Hagerman became governor, he wished to have some changes made in the methods of managing prisoners, of which Mr. Bursum did not approve, and differences arose between them growing out of this. Then the governor, without consulting the board of commissioners, who, under the law, were responsible for the administration of the penitentiary, brought an accountant from Colorado to examine the accounts and make a report to him. No complaint had been made by the governor to the board of anything wrong in the accounts or the management; nor did the Colorado accountant call upon the board for any assistance or explanation. He made a report to the governor, claiming that there was a shortage in the accounts, and that Mr. Bursum owed the territory for money received and not paid over. Thinking that he was being overpaid, Mr. Bursum immediately deposited in the territorial treasury the first amounts claimed, until the matter could be looked up, and subsequent investigation conclusively proved that every dollar of the items making up this amount had previously, and at the proper times, been paid into the territorial treasury, as shown by the treasurer's books. Then further amounts were claimed, amounting to several thousand dollars. This Governor Hagerman demanded that Mr. Bursum should immediately pay over. Mr. Bursum insisted that the report was not correct, that his accounts were not short, and asked for time to have them examined by some other expert, in order that he might answer the charges and show the real facts. This was refused, and the governor notified him that if the amount claimed was not paid into the treasury at once he would cause suit to be brought for it against his bondsmen. Mr. Bursum was at the time chairman of the Republican central committee in the midst of a campaign. Realizing the injury to his party that would be caused by the bringing of such a suit, however unfounded, which could not possibly be decided before election, Mr. Hagerman, while insisting that he did not owe the territory anything, paid over the amount that was claimed by the attorney general, amounting to about a hundred dollars. Judgment was given ordering the money he had paid to be refunded. During this trial the court appointed the territorial traveling auditor to make a report on the facts, which he did after a thorough investigation of the original entries, invoices and vouchers, books of the penitentiary and territorial treasury, and sworn testimony of witnesses. He was the official charged by law with the examination of the accounts of county officers and private banks and had been himself appointed by Governor Hagerman. He proved himself so good a business man in that position that he afterward resigned to accept a better position with one of the leading banks of the territory. His investigation lasted a long time, and was publicly carried on at Santa Fe, where anyone who had any knowledge of these matters, including the Colorado accountant, was invited to attend and give information.

In the meantime this charge of shortage in accounts was brought before the grand jury of Santa Fe county by the district attorney appointed by Governor Hagerman, and I was summoned as a witness. From my knowledge of the affairs of the penitentiary and investigation of several of the details upon which the charge of shortage was made, I had become perfectly satisfied that no such shortage had ever existed; but that the alleged shortage reported by the Colorado accountant resulted from his failure to allow credits shown by the books of original entry and receipts from the territorial treasurer, to which Mr. Bursum was clearly entitled, and also from absolute errors in figures by the accountant, which would have been shown at first if opportunity had been allowed to do so. One instance of this was an item of bricks furnished to the Young Men's Christian association at Las Vegas for their building, to which \$6,000 had been donated, which at the usual price would amount to \$210. It was claimed that Mr. Bursum was liable for the price of these bricks, whereas his act in donating them was fully approved by the penitentiary board, who thought that when individual citizens in large numbers had contributed of their private means to the establishment and support of such a benevolent institution, it was only right for the territory to assist with some brick from its penitentiary.

I appeared before the grand jury and gave my testimony very fully. At the request of the district attorney I made a complete statement of what I knew, and was then examined by him in detail about a number of the particular items charged against Mr. Bursum. As to every one of these I was able to give a satisfactory explanation, either from my own knowledge or from the books and records of the penitentiary and territorial treasury. The result of this and other testimony was that only the grand jury, but the district attorney himself, became convinced that there had been no shortage whatever in Mr. Bursum's accounts with the territory, and that the charges against him could not be sustained. They were therefore dismissed by the grand jury.

A great deal has been said in a sensational manner about destruction of books by Mr. Bursum. This is one of those reckless charges that grow by repetition, and often faster than the truth can overtake them. It all grows out of the fact that there was at one time a book, not forming a part of the regular series of account books, called an individual ledger, which was discontinued after all live accounts in it had been transferred to another book. But this book was not a book of original entry at all, and the fact is, beyond the slightest question, that no book of original entry of the penitentiary accounts was destroyed, altered or concealed, up to the time when Mr. Bursum went out of office. Every fact, essential to a knowledge of the accounts of the penitentiary, and upon which any report thereon must necessarily be based, is shown by these books of orig-

(Continued on Page 2, Columns 1 and 5.)



In order to become the Republican party I hired an "expert"



Then the President threw me out and said I deserved worse treatment.



And we got a funny monkey and a cheap chief and started out to get even with the Republican party.



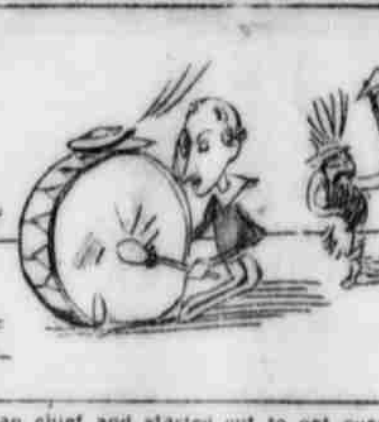
When quite a small lad I was Secretary of the Legation in St. Petersburg



to officially disgrace the efficient head of the party.



My own apple pickers wouldn't send me to the convention



Wasn't that just too cute of your Uncle Herbie?



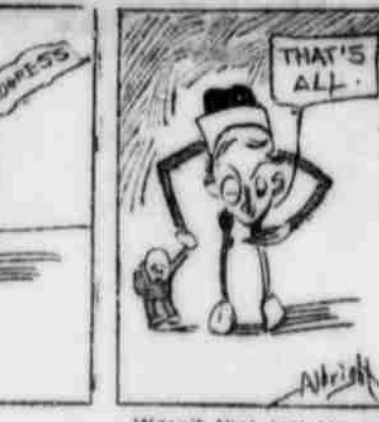
As Governor I gave jobs to my favorite legislators.



I took 23 land deeds from the commissioner for my friends.



So I found another cow man who wanted to be governor.



Wasn't that just too cute of your Uncle Herbie?

Mr. Hagerman's Record President Roosevelt's Opinion of Mr. Bursum's Accuser, Who Was Removed From Governorship For Unlawful Conduct In Public Office.

H. J. Hagerman, after having removed H. O. Bursum from office upon manufactured charges from which he was afterwards completely exonerated by the court, was himself compelled to resign from the governorship of New Mexico by the president of the United States, for what he called "improper and fraudulent actions in regard to the territorial lands." He is now trying to add the Democrats in creating for the governorship the man whose reputation as an honest man he vainly attempted to destroy. Comparison of the public records of the two men in their official conduct is interesting to the voters at this time. That of Bursum, as related to the charges made against him, is shown to the satisfaction of any fair-minded man by the letter of F. H. Pierce, chairman of the board of penitentiary commissioners, published elsewhere in these columns. That of Hagerman is equally convincingly shown by the letter of the president of the United States giving the reasons for his removal, which is printed herewith. By this it appears that Hagerman as governor demanded that the commissioner of public lands should execute and deliver deeds for a large quantity of land, which the commissioner refused to do because he considered the transaction illegal; that in the temporary absence of the commissioner he went to his office, commanded the clerk to bring the deeds and seal of the board of public lands to the governor's office, where in, the governor, himself affixed the seal to the deeds, directed the clerk to record them, and then himself delivered them to the parties interested. The clerk asked him to delay action for two days until the commissioner could return, but Hagerman refused to permit the delay, although, in the language of the president, "there was absolutely no reason for such refusal."

Leaving out of consideration what may have been Hagerman's motive or interest in thus doing by foreclosing the official whose business it was had refused to do, this transaction is another example of the same arbitrary and reckless methods which he used against Bursum. He refused to allow Bursum, when assailing his honesty as a man and official, time to answer and disprove charges—which is allowed by law to the most ordinary person accused of crime, of these Bursum was declared innocent by the court. He refused to wait two days for the land commissioner to return, when compelling his clerk to do an official act which was the commissioner's sole duty, and which that official had refused to do because he thought it unlawful. For this he was removed by the president. He now claims, as the only way to save his face, that not only Bursum, but the legislature of New Mexico, the attorney general, the territorial supreme court who has been appointed for three successive terms by the president, were all engaged in a huge conspiracy to rob the territory.

On the public record of the two men, let the fair minded citizen say for himself who ought to be believed.

Hagerman applied to the president to reconsider his action, and this brought out the following letter, which was published at the time.

PRESIDENT'S LETTER OF MAY 4 TO MR. HAGERMAN.

The White House, Washington, D. C.

May 1, 1907.

My Dear Mr. Hagerman:

Mr. Gifford Pinchot has presented me your telegram to him in which you ask that it be brought to my personal attention, stating that hundreds of people have sent telegrams to the president protesting against my accepting your resignation, and stating furthermore that if my action in requesting your resignation is not revoked it will be a calamity to the territory, and that if I will reconsider this action you are positive I will see the injustice and unwisdom of it from every point of view.

This renders it necessary for me to write you very plainly. You made, as I am informed, a good secretary of legation at the court of St. Petersburg. All that I have heard of your private life is to your credit. Furthermore, I believe you have done certain excellent things while you were governor, and of course, I will permit nothing good you have done to be undone. But I must add that on the whole I think you have been an unsatisfactory governor and that your removal from the position is imperative. I should have removed you long ago on account of your previous career and of your standing in private life, and my consequent reluctance to believe that your motives were as improper as certain of your acts would indicate. I have not thought it necessary to go into any matters as to which there was any chance of controversy, and the department of justice has been anxious as I have to show you all consideration and to resolve every doubt in your favor. Assistant Attorney General Cady in his report purposely omitted, as he informed me, the information which he believes ought legitimately to be drawn from the facts, that in the land grant transaction, wherein I believe your conduct was blameworthy, you were situated in your improper and presumably unlawful action, by your desire to secure the aid of certain Democratic politicians in a faction fight. I decided that in this matter I would give you the benefit of the doubt. Also as to your action in appointing six members of the legislative council to lucrative positions, although there seems to be no doubt that it amounted to the bartering of offices by you in return for legislative support. As for the hundreds of people who have telegraphed me on your account I cannot say that I have seen all the telegrams, but I have seen a great many of them. I have received an even larger number from persons in New Mexico who protested against your retention in office, and have also received numerous statements that neither set of telegrams is really spontaneous. There has been no single instance in which the appointment of Mr. Curry as your successor has not received hearty commendation.

I found that it was not necessary to consider anything save Assistant Attorney General Cady's letter from the department of justice. This sets forth the state of facts which your personal explanation when before me in no way relieved, and which makes it impossible in my judgment to retain you in office unless I am content to abandon all idea of holding public office in New Mexico, or indeed elsewhere, to any proper standard of official conduct. This report of the department of justice related to your delivery of certain deeds to the Pennsylvania Development company. It appears that the grant of land was agreed to before you became governor, was on its face grossly fraudulent and that the transaction could not be completed save by your action, made with full knowledge of its fraudulent character. An investigation into the matter of these New Mexico land grants had been made by the secretary of the interior and submitted to congress. Chairman of the Committee of public lands of the house of representatives, Hon. John F. Lacey, on May 17, 1906, wrote to the secretary of the interior that the proposed grant would be a violation of law, the particular grant being, as the secretary of the interior officially stated, in all essential respects the same as the grant you consummated. You state that this document was never officially edited to your attention, but it appears that you certainly had knowledge of it when you acted, and it further appears that the consummation of public lands in view of the report, expressed his unwillingness to deliver the deeds to the representative of the Pennsylvania Development company, Mr. Hopewell. It was his business and not yours, and you could only act in his absence, though of course, you could have removed him if you had been willing to remove him, for refusing to take the improper and fraudulent action, which in his absence, you took in his behalf. You, however, obtained an opinion from the attorney general the same gentleman whom the newspapers report as now organizing meetings to ask for your retention in office, which opinion, Mr. Cady rightly stigmatizes as "an absurdity," for as Mr. Cady says, it is only applicable on the ground either that the attorney general thought there was no absolute evidence of a violation of the law, or a conclusion which it is inconceivable he could have reached; or else that as there was difficulty attendant upon the enforcement of the law you should go out of your way to violate it. You took advantage of the absence of the commissioner of public lands on official business, to go yourself with the attorney general, Mr. Reid, to his office and yourself to complete the transaction. It was here suggested to you by a clerk in the land office that the latter should be delayed until the commissioner could be communicated with as, if you wired him, it would be possible to get him back in Santa Fe inside of two days. You refused to permit the delay although there was ob-

(Continued on Page 2, Columns 6 and 7.)

FREIGHT STEAMER IS CUT IN TWO AND GOES DOWN

(By Evening Herald A. P. Leased Wire)

Seattle, Wash., Oct. 28.—During a dense fog at midnight the steamship Iroquois, outbound from Seattle with passengers for Victoria, struck the freight steamer Multnomah, from Tacoma for Seattle, and cut her in two. The Multnomah was sunk in very deep water.

All the persons on board were saved. Fifteen head of cattle went down with the Multnomah. The Iroquois proceeded, apparently undamaged.

Progressive Taxes; That's All

Observe the "progressive" with which your taxes have increased since you entrusted the affairs of Bernalillo county to the gang who are asking you to keep them in office for five years longer.

It wouldn't be so bad if you had anything to show for it. But when it all goes to Don Jesus Romero for being in three places at the same time, and to the other high priests of "good government" who seem to think you ought to be willing on general principles to pay extra for having them in office, you can't help feeling that in some way you have been badly stung.

Just look at your tax receipts and then look around you to see what you have to show for it. Then vote accordingly.

LARRAZOLO SPEAKS TO MONSTER CROWD

Greatest Aggregation of People Ever Gathered in Bernalillo Court House Hears Silver Tongued Orator.

STANDING ROOM IS AT HIGH PREMIUM

Meeting in Old Town Last Night One of Most Successful in Campaign in State Thus Far.

Despite the rain, which turned the streets of Old Albuquerque into seas of mud, Hon. St. A. Larrazolo, who last night addressed the Republican voters of the Old Town precinct, was rendered a reception that might well have gone to the head and head of a much older man than himself. The court room, in which he spoke, was packed to the doors and many stood up. Every seat was filled, and the silver-tongued orator, giving him an attention which was glittering in its very intensity.

Mr. Larrazolo spoke on party fealty

COMMODITY RATES SUSPENDED BY COMMISSION

(By Evening Herald A. P. Leased Wire)

Washington, Oct. 28.—Cancellation of the commodity freight tariffs on iron and steel articles by the rail carriers operating from Pittsburgh, Buffalo and other eastern territories to western destinations, particularly points in Illinois, Iowa and Missouri, involving an immense traffic, was suspended today by the interstate commerce commission. Tariffs filed with the commission place the iron and steel articles under class rates, which are much higher than the commodity rates.

See How They Love the Schools

A fund accumulated in the hands of the county commissioners, which the law specifically provided should go to the public schools of the county. Did the Giffenwater commissioners appropriate it to that purpose?

Eventually, yes. But not until they had exhausted every resource to divert it to another purpose and were finally compelled by a decree of the district court to comply with the law. The man who forced them to come to this was A. B. Stoup, candidate for state school superintendent on the Republican ticket.

Everything that has been done for the improvement of the public school system of Bernalillo county in the last four years was over the bitter opposition of the Giffenwater commissioners.